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| ARMSTRONG,WESTERMAN & HATTORI, LLP 1725 K STREET, NW SUITE 1000 | | | EXAMINER | |
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| WASHINGTON, DC 20006 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Application No. Applicant(s) Applicant(s) Applicant(s) Applicant(s) Ant Unit Examiner Sima R Weeks 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 3721 | | | | | | | |
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| Examiner Gloria R Weeks 3721 | V | Application No. | Applicant(s) | | | | |
| Cloria R Weeks 3721 | | 10/046,185 | KONDO ET AL. | | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions for the may be available under the provisions of 3 CFR 1.136(b), in no event, however, may a reply be timely filled the SEX (b) MONTH's from the mailing date of this communication. Extensions for may be available under the provisions of 3 CFR 1.136(b), in no event, however, may a reply be timely filled the SEX (b) MONTH's from the mailing date of this communication. **Extension for the plant section of the provision of the communication of the provision of the provision of the section of the provision of | Office Action Summary | Examiner | Art Unit | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Any reply received by the Office the this three membrane statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication, even if furney filed, may reduce any secured patent from adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 10 July 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) # sis/are pending in the application. 4) Claim(s) # sis/are allowed. 6) Claim(s) # sis/are allowed. 6) Claim(s) # sis/are objected to. 8) Claim(s) # sis/are objected to by the Examiner. Application Papers 9) The perceptional so objected to by the Examiner. Application Papers 9) The drawing(s) filed on # sis/are: a) accepted or b objected to by the Examiner. Application Papers 10) The drawing(s) filed on # sis/are: a) accepted or b objected to by the Examiner. Application Papers 11) Some * control or decident or sis/are: a) accepted or b objected to by the Examiner. 12) The control or sis obj | | | | | | | |
| THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be evaluate under the provisions of 32 FR 1.13(a), in no event, however, may a raply be timely filed after SX (6) MONTHS from the mailing date of his communication. If the period traph specified showe has that his My (30) days, a raply whitis the statutory printerms of thing (30) days will be considered timely. If the period traph specified showe has that his My (30) days, a raply whitis the statutory printerms of thing (30) days will be considered timely. If the period traph specified showed has the the mailing date of the communication. Fallure to reply whitine the set of extended period for reply will, by statutic, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office after than three monitors after the mailing date of this communication, even if timely filed, may reduce any search of the substitution of the statution of the statution of the substitution of the | | | | | | | |
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Application/Control Number: 10/046,185

Art Unit: 3721

Response to Amendment

1. This action is in response to Applicants' amendment received on July 10, 2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Pape et al. (USPN 5,267,934).

In reference to claim 8 and 4-7, Pape et al. discloses a container plug attaching device for attaching to a container (16) edge portion defining an opening therefrom a tubular plug (36) having a flange (37; figure 3), the device including an anvil (46) and a sealing member (52) which cooperate to clamp therebetween for sealing the container edge portion and the flange by pressing, the device comprising: a container transport conveyor (14); a rotary shaft (28) carrying an anvil (46) carrying a plug-engaging projection (48) from a clamping face of the anvil (46; column 3, lines 3-5); drive means (column 3, lines 9-12); supply means for supplying plugs (36) to the anvil (46) including a plug transport member (34) and reciprocable delivery means (44, 45) that pushes the plug (36) out from the delivery opening of the plug transport member (34; column 2, line 59-column 3, line 5); and means actuable with the anvil in the sealing position for attaching the plug to the container (16; column 3, lines 13-46).

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Response to Arguments

4. Applicant's arguments filed July 10, 2003 have been fully considered but they are not persuasive. Applicant's first argument is that Pape et al. fails to disclose a plug-engaging projection extending from the clamping face of the anvil. Examiner disagrees based on column 3, lines 3-5 of Pape et al. which state that a suction cup (48) is mounted to the face of anvil (46). Considering the fact that the suction cup (48) is a three-dimensional element and is not flush with the surface of the anvil (46), it is considered to be "protruding" from the surface of the anvil (46).

Applicant's second argument states that the delivery means of Pape et al. oscillates rather than receiving induced movement from a rotary shaft. Column 3, lines 13-17 of Pape et al. state that the rotary shaft (28) rotates in a counterclockwise direction and as a result rotates the anvil (46).

Applicant further argues that Pape et al. fails to disclose a reciprocable plug delivery means, such as the fluid pressure cylinder claimed by Applicant. Examiner strongly disagrees based on Pape et al. specifically disclosing a cylinder (44) as the plug delivery means which inherently acts in a reciprocable movement.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gloria R Weeks whose telephone number is (703) 605-4211. The

examiner can normally be reached on 7:30 am - 6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rinaldi I Rada can be reached on (703) 305-2187. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-1789.

Gloria R Weeks Examiner

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Rinaldi I. Rada Supervisory Patent Examiner

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Group 3700